

REMARKS/ARGUMENTS

Claims 1-26 remain pending in the application.

Claims 1-27 were presented for examination. Claims 1-26 were allowed and claim 27 was rejected.

Applicant, by this paper, cancels claim 27 and requests reconsideration and allowance of all pending claims. Applicant respectfully requests entry of the amendment as only directed to canceling a claim and placing the application in condition for allowance.

DISCUSSION OF ALLOWABLE SUBJECT MATTER

Claims 1-26 are allowable. Applicant thanks the Examiner for the indication of allowable subject matter.

DISCUSSION OF REJECTION UNDER 35 U.S.C. §112

Claim 27 was rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. While the Examiner concedes that Applicant's Specification, as filed, describes "[t]he software codes may be stored in a memory unit...and executed by a processor," the Examiner contends that this description does not teach or suggest computer-readable medium encoded with software code.

Although Applicant respectfully disagrees with the Examiner's contention, Applicant cancels claim 27 without prejudice to place the application in condition for allowance.

CONCLUSION

The Examiner has indicated that all remaining claim in the application are allowable. Thus, Applicant believes that the amendment canceling claim 27 places the application in condition for allowance. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

Applicant believes that the instant response is filed within the Shortened Statutory period for response provided in the Office Action of December 17, 2008.P

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of

Docket No. 020292

Serial No. 10/688,383

time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Dated: February 17, 2009

By: 

Andrea L. Mays

Attorney for Applicant

Registration No. 43,721

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121-2779  
Telephone: (858) 651-8546  
Facsimile: (858) 658-2502  
61809860 v1